

July 6, 1995

505 Houston St.

Mr. William F. Caton
Office Of The Secretary
Federal Communications Commission
1919 M Street N.W.
Rm. 222
Washington, D.C. 20554

JUL 10 1995

P.O. Box 814

FEDERAL COMMUNICATIONS COMMISSION

Laredo, Texas 78040

Re: MM Docket No. 95-74

210/725-1491

Dear Mr. Caton,

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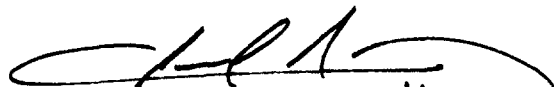
Fax 210/725-3424

Comments are herewith filed, in the matter of the Notice Of Proposed Rule Making released June 1, 1995, as it pertains to the modification in the table of allotments for FM Broadcast Stations for Benavides and Bruni, Texas; whereas Petitioner petitions the commission to replace the allotted Class-C2 FM service for the community of Benavides, Tx. with a Class-A FM service, and to have the C2 allotted to the un-incorporated community of Bruni, Texas.

It is our contention that: 1) Bruni, Texas is not deserving of an allotment, and 2) the Petitioner's intent is not limited to providing service to the community of Bruni, Texas, but that it extends to penetrating the decidedly more lucrative Laredo, Texas market.

On the following pages we will expound upon our reasoning for our position on this issue. Thanking you in advance for your consideration, your review of these comments is hereby respectfully requested.

Sincerely,



Miguel A. Villarreal, Jr.
Vice President

COMMENTS.SAM: C:\WLEGAL\BENAVIDE — July 6, 1995

cc: Lee J. Peltzman, Esq. (Counsel for Petitioner)
Francisco R. Montero

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ARGUMENT - Given its lack of official identity, its minute population, and its geographical location, the assignment of a commercial FM Broadcast Station (regardless of class) dedicated specifically for the service of Bruni, Texas is not warranted.

RATIONALE -

INCORPORATION - Bruni, Tx. is not incorporated, nor is it listed in the U.S. Census.

POPULATION - 500 (five hundred); This community is so small, that its economy can only support one high school, but no elementary school. How can it support a Broadcast Station?

BRUNI IS SERVED - All 7 Laredo stations, and Mirando City's KBDR (when in operation) provide service to Bruni, Texas.

SCHOOLS - One High School, but no Elementary School

BENAVIDES - Population 1,978; although it is also small, it is nevertheless almost 3 times larger than is Bruni.

GENERAL -
1) Bruni has no Mayor
2) Benavides has a Mayor
3) Benavides has Elementary, Middle, and High Schools

ARGUMENT - Commercial radio stations are a business, and to that end most people who apply for licensing do so with a profit motive in mind. Since the financial feasibility of a Bruni broadcast station is at best suspect, it follows that there must be another upshot for the Petitioner. It is our contention that that upshot is the Laredo, Texas market.

POPULATION COMPARISON -

138,000

500

STATUS OF THE ECONOMY -

fastest
growing city
in the nation

stagnant

PRECEDENT -

In 1993, station KBDR C2,
licensed to Mirando City (pop.

500, 30 miles from Laredo) installed its studio in downtown Laredo, and commenced operating as a Laredo station. After two years of operation they have carved out approximately 15% of the Laredo radio advertising dollars, while generating \$0.00 revenue from its city of license. Furthermore, during these 2 years it has operated (currently) under an STA with a low power transmitter from Downtown Laredo for periods in excess of 6 months at a time. This as a result of main site tower problems. Furthermore, the FCC has recently authorized an on channel booster of 10,000 watts for this station. This station has now effectively "moved in" to Laredo, with a better signal than the 2 Laredo class A stations, while the residents of its city of license go without service. Now that the precedent has been established, it is our contention that it is KXTM Petitioner's intent to follow the pattern established by KBDR.

In summary, we ask the question: what is the real motivation behind this petition. Is providing Bruni with its first aural service really the motivation? Or is it to move in another signal to Laredo? While we admire the Petitioner's apparent goodwill toward the community of Bruni, we question the true intent of this petition. Furthermore, if this petition is accepted it could have devastating results upon the broadcasters of Laredo -- a community already over-saturated by 5 FM and 3 AM signals on the Texas side, and by 14 signals from the Mexican border town of Nuevo Laredo. We ask that as you evaluate the feasibility of the proposed rule making, you consider the negative impact this move could have upon the broadcasters of Laredo, Texas.

